

540 CMR 23.00. LICENSING, CERTIFICATION AND

OPERATING REQUIREMENTS FOR BASIC DRIVING SCHOOL

INSTRUCTORS; BASIC DRIVING SCHOOLS; ADVANCED DRIVER TRAINING INSTRUCTORS AND ADVANCED DRIVER TRAINING SCHOOLS

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23.01. Purpose, Scope and Applicability.

540 CMR 23.00, as amended, is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, §§31 and 32G, to establish rules and regulations regarding the licensing and certification requirements for Basic Driving Instructors and the operation of Basic Driving Schools. In addition, pursuant to M.G.L. c. 90 § 32 G ½, 540 CMR 23.00 establishes rules and regulations relative to the certification of Advanced Driver Training Instructors and the operation of Advanced Driver Training Schools.

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Effective January 1, 2007 Basic Driving Schools must adopt the three-part Registry of Motor Vehicle Driver Education Program and implement a testing protocol following a student's completion of the Driver Education Curriculum for Classroom Instruction.

23.02: Definitions.

Advanced Driver Training Instructor (ADT Instructor). A person certified by the Registrar to instruct an Advanced Driver Training Program.

Advanced Driver Training School (ADT School). A driver training school licensed by the Registrar to conduct an Advanced Driver Training Program.

Advanced Driver Training Sponsor. Means the Advanced Driver Training School sponsoring an ADT Instructor applicant. Prior to licensure the Advanced Driver Training

School must be recognized by the Registrar. After January 1, 2007, the Advanced Driver Training School must be licensed by the Registrar.

Advanced Driver Training Program. The hands-on instruction used in teaching student drivers to anticipate potential on-road hazards and in performing maneuvers to avoid the most common types of crashes while maintaining vehicle control. Advanced driver training may only be taught to licensed drivers or persons with learner's permits who have completed at least ten hours of supervised driving. Advanced driver training programs certified by the Registrar must provide qualified personnel who possess the requisite skills necessary to teach advanced driver training. Advanced driver training programs may only be provided on closed off-road courses in late model passenger automobiles equipped with anti-lock brake (ABS) systems. The driving skills or techniques required to be taught in an advanced driver training program must include, but are not limited to the following:

(a) Proper Hand and Seating Position: Demonstrating the proper positioning of a driver's hands on the steering wheel and the proper seating position of a driver in a secured safety belt. These demonstrations are designed to help the student driver ensure better control of the vehicle in a crash and to lessen or avoid the potential for injury in the event of a crash.

(b) Emergency Braking : Demonstrating the sudden application of brakes while controlling the vehicle in a straight-line at various speeds. These demonstrations teach student drivers the techniques and effectiveness of anti-lock brake (ABS) systems in an emergency stop. These demonstrations further provide an understanding of the different mechanics and disparity in stopping distances of ABS versus Non-ABS brake systems. Finally these demonstrations stress vehicle performance during sudden stops.

(c) Steering Control Skills : Demonstrating steering control maneuvers on a slalom course. These demonstrations teach a student driver how to maintain control of the vehicle while trying to avoid other objects or vehicles on the road. The student driver is taught evasive maneuvers to the left and to the right around a series of traffic cones while moving at various speeds.

(d) Proper Following Distance : Demonstrating the importance of keeping a safe following distance to avoid "tail-gating" and "rear-end" types of vehicle crashes.

(e) Backing-Up : Demonstrating the limited visibility a driver has when attempting to back-up using the vehicle's rear-view mirrors. Student drivers are taught awareness of unseen dangers when driving a vehicle in reverse and instructed to avoid unnecessary driving in reverse.

(f) Crash Avoidance : Demonstrating combined driving skills which allow student drivers to use emergency braking, corrective steering and control, sudden and evasive emergency maneuvers and obstacle avoidance.

Basic Driving School Instructor. A person certified by the Registrar to own or operate a Basic Driving School Program.

Basic Driving School. A driver training school licensed by the Registrar to conduct a Basic Driving School Program.

Basic Driver Education Program. A standardized driver education program established by the Registrar.

Certificate or Certification. For the purpose of 540 CMR 23.00 certificate or certification shall be synonymous with license or licensure.

Instruction for Hire. The business of instructing persons for a fee in the operation of a motor vehicle. A sponsor for a Class D driver license examination who is compensated for such sponsorship shall be presumed to be conducting instruction for hire. Instruction for hire shall not include training provided by an employer or trade organization if the training is for the purpose of obtaining a Class A, B, or C license.

License or Licensure. For the purpose of 540 CMR 23.00 license or licensure shall be synonymous with certificate or certification.

Principal Administrator. Means the individual who functions as the owner, managing partner, president or chief executive officer of the Advanced Driver Training School or Basic Driving School who has responsible control or management of the program, its personnel or its assets.

Public School Basic Driver Education Program. A program offered through a public school for the instruction of basic driver training which unless otherwise agreed to by the Commissioner of the Massachusetts Department of Education and the Registrar incorporates all of the requirements of a Basic Driving School except that of licensure for the establishment and fees for the instructors.

Registrar. The Registrar of Motor Vehicles or her designee.

Registry. The Registry of Motor Vehicles.

§23.03. Qualification Requirements and Terms of Certification for Driving Instructors.

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(1.) Certification Requirement.

(a.) No person shall give instruction for hire in the operation of a motor vehicle unless certified by the Registrar in accordance with either M.G.L. c. 90, §§32G and 32 G ½ or 540 CMR 23.00.

(b.) Certification as an instructor is not required for persons who engage in instructional activities

solely as agents, employees or contractors of the Registry of Motor Vehicles.

(2.) General Qualifications for Certified Driving Instructors.

In addition to the conditions specified in either M.G.L. c. 90, §§32G or 32G ½, an applicant for an instructor's certificate must satisfy the following requirements. Unless otherwise specified, the requirements apply to both the initial certificate and any renewal certificate.

(a.) Application. An applicant must complete and submit an application for an instructor's certificate in a form prescribed by the Registrar and pay the required non-refundable fee.

(b.) Criminal Record Check. An applicant shall be subject to a criminal record check, and shall be rejected if they have been convicted of the crimes or have engaged in the conduct proscribed by either M.G.L. c. 90, §§32G or 32G ½.

(c.) Driving Record Check. An applicant shall be subject to a check of their driving record. No instructor's certificate shall be issued or remain in effect if the applicant has an unsatisfactory driving record. No instructor's certificate shall be issued or remain in effect if an applicant or certificate holder's license or right to operate a motor vehicle is suspended or revoked in Massachusetts or in any other jurisdiction.

(d.) Driving Experience. An applicant shall be at least 21 years of age and have at least 24 months operating experience in the license classification for which the certificate is desired. Experience gained solely under a learner's permit does not qualify toward the 24 month minimum. An applicant who is not a legal resident of the Commonwealth but who holds a valid operator's license issued by the state of legal residence, may apply for an instructor's certificate, subject to the terms and conditions of the reciprocal licensing agreement between the Commonwealth and the state of legal residence.

(3.) Qualification Requirements for Basic Driving Instructors.

(a.) Instructor Training Program. An applicant shall submit documentation that he has successfully completed a driving instructor training program suitable for the type of

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Deleted: (b) . Instruction for hire shall not include training provided by an employee or agent of the student's employer or trade organization for or on behalf of the student if the training is for the purpose of obtaining a Class A, B, or C license.

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instruction he intends to provide, which conforms to guidelines established by the Registrar for such programs.

(b.) Examination. An applicant must pass the written driving instructor examination for basic driver education administered by the Registrar.

(4.) Qualification Requirements for Advanced Driving Instructors.

(a.) An applicant for certification as an Advanced Driver Training Instructor (ADT Instructor) must be sponsored by an existing driver training school recognized by the Registrar. Such program must have been operating in Massachusetts for at least one year and provide the types of advanced driver training instruction authorized under M.G.L. c. 90, §32G ½.

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(b.) The Advanced Driver Training School serving as sponsor for an applicant must provide a written statement, signed under the penalties of perjury by its Principal Administrator stating:

1. The applicant's employment history with the sponsor;

2. The applicant has successfully completed the ADT School's training program which must at a minimum include:

i. Completion of the ADT program as a student;

ii. Completion of at least three advanced driver training programs as an observer in the back seat of a vehicle, during an actual advanced driver training course, while a certified instructor supervised the student operating the vehicle, and the applicant attended the classroom instruction for such sessions;

iii. Completion of at least three advanced driver training programs in-vehicle as a student-instructor with a certified instructor in the vehicle monitoring the applicant's performance; and

iv. Completion of at least three advanced driver training programs in-vehicle as the primary instructor while under the supervision of a certified instructor not in the vehicle.

3. That the Principal Administrator vouches for the appropriateness of this applicant to provide Advanced Driver Training.

(5.) Terms of Certification.

(a.) Renewal of Certification. Each instructor shall renew his certificate annually submitting a renewal application on a form prescribed by the Registrar and the required fee.

(b.) Continuing Education/Recertification. The Registrar may require the completion of continuing education or updated competency examinations for any driver education instructor. The Registrar shall identify the programs that will be recognized for such purposes. The Registrar may also require recertification of an instructor if there is a reasonable basis to suspect that the person no longer meets the qualifications required of a driving school instructor.

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(c.) Duty to Notify of Conviction or License Suspension or Revocation. An applicant or certified instructor shall notify the Registrar of any criminal conviction or arrest for a crime of moral turpitude within three days of such conviction or arrest. An applicant or certified instructor shall notify the Registrar immediately upon the suspension or revocation of his/her license or right to operate in Massachusetts or any jurisdiction. Such notification shall be made in writing to the Director of Vehicle Safety and Compliance Services at the Registry of Motor Vehicles.

(d.) Change in Name or Address. Each instructor must notify the Registrar within 30 days of any change in name or address.

(6.) Denial of Certificate. The Registrar may refuse to issue certification to an individual for good cause. Good cause includes, but is not limited to, evidence that:

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(a.) The applicant, or applicant's sponsor or employer, has made a material false statement or concealed a material fact in connection with a certification application;

(b.) The applicant has been the holder of a driving school or driving school instructor's license issued pursuant to either M.G.L. c. 90 §§ 32G or 32G ½ that was revoked or suspended by the Registrar;

(c.) The applicant has been convicted of a felony, or any crime involving violence, fraud, perjury, dishonesty, deceit, indecency, degeneracy, or moral turpitude; or

(d.) The applicant has failed to furnish satisfactory evidence of good character, reputation or fitness.

(e.) If an applicant has an unsatisfactory driving record for at least two consecutive years prior to application, including but not limited to any mandatory license suspension activity or to any person who has been convicted of operating a motor vehicle while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances, as defined in section one of

M.G.L. c. 94C or the vapors of glue within the preceding five year period under the provisions of M.G.L. c. 90, § 24. Any person who consents to have any such case disposed of under the provisions of § 24D shall for the purpose of this section be deemed to be convicted. Once the license or right to operate has been reinstated the applicant may apply for an instructor's certificate, which may be issued if, after a review of the nature and circumstances of the information contained in the applicant's driving record, the Registrar determines it appropriate.

§23.04. ~~Qualification Requirements and Terms for Maintaining a Driving School Certificate.~~

(1.) ~~General Requirements for Both Basic and Advanced Driving Schools.~~

(a.) ~~Certification Requirements.~~ No person or entity ~~other than a public school basic education program~~ shall ~~own or~~ operate an establishment ~~to conduct instruction for Hire~~ unless licensed by the Registrar in accordance with ~~either~~ M.G.L. c. 90, §§32G ~~and G ½~~ ~~or~~ 540 CMR 23.00.

(b.) ~~General Qualifications for a Driving School Certificate.~~ In addition to the conditions specified in ~~either~~ M.G.L. c. 90, §§32G ~~or 32 G ½~~, ~~and requirements contained in other sections of these regulations.~~ applicants for a driving school license must satisfy the following requirements. Unless otherwise specified, the requirements apply to both the initial license and any renewal license.

1. ~~Application.~~ An applicant for a driving school certificate shall complete and submit an application in the form prescribed by the Registrar and:

- a. ~~Pay the required non-refundable fee;~~
 - b. ~~Apply for and successfully pass an inspection of the driving school premises conducted by the Registrar or her designee;~~
 - c. ~~Submit a copy of the program of instruction that meets or exceeds the minimum program standards established by the Registrar. At the time of application, an applicant for a driving school certificate shall submit a written course curriculum describing the classroom and behind the wheel instruction to be used. The curriculum must demonstrate that it includes such minimum standards as established by the Registrar. The curriculum shall include a description of each of the skills/techniques required to be taught and an explanation of the method and sequence by which they will be taught. Once approved by the Registrar, a driver training program shall not materially alter a program of instruction, including the curriculum, without prior written approval from the Registrar.~~
 - d. ~~Submit written proof of insurance as required by 540 CMR 23.04 (1.)~~
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2. Criminal Record Check. Each applicant, and any officer, director, stockholder, partner, employee, or any other person directly or indirectly interested in the business, shall be subject to a criminal record check. A driving school certificate applicant shall be denied certification if they or any person directly or indirectly interested in the business, have been convicted of the crimes or have engaged in the conduct proscribed by M.G.L. c. 90, §§32G or 32 G ½, as applicable.

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3. Business Information.

a. If the applicant is a corporation, limited liability company or limited liability partnership, a copy of the applicable Articles of Organization, Certificate of Organization, or Registration, including registration as a Foreign Corporation doing business in Massachusetts, required to be filed with the Secretary of State for the Commonwealth, must be submitted.

b. If the applicant is either an individual or entity (including a corporation) conducting business under a trade name, a copy of the business certificate issued by the municipality where the applicant conducts business or will be conducting business must be submitted.

c. Each applicant must submit the employer's federal tax identification number (FID/EIN).

4. Changes in Business Name, Address or Ownership. The Principal Administrator shall notify the Registrar, in writing, within 30 calendar days of any the following:

i. a change in the name or address of the business;

ii. a transfer of the business or a change of ownership, including a change in the form or ownership; except that a transfer of less than a majority interest in a corporation shall not be considered a change in ownership.

iii. the dissolving of the business or the ceasing of regular business activity, except that if the program has taken full or partial payment for student instruction it will not be providing, or if the program has not provided students who have completed the program with the required certificate of completion, the program's Principal Administrator shall inform the Registrar, prior to or immediately upon cessation of business, of the names and addresses of students who are owed refunds and the amounts owed to each and the names and addresses of the students who have completed the program but have not received the certificate of completion. The Program Administrator shall also provide a list of each student who has not completed the program indicating the number of hours of classroom and behind the wheel instruction the student has not completed or is required to complete for certification.

(c.) Terms of Maintaining a Driving School Certificate.

1. Renewal. In order to maintain licensure, a driving school must annually submit a renewal application and any required fee.
2. Inspection. Each school shall cooperate fully with the requests of an RMV inspector and shall make available any and all records upon request. Each school shall provide RMV inspectors with an opportunity to observe any classroom or behind the wheel instruction as requested.
3. Insurance Coverage. Each school shall at all times maintain current insurance coverage that meets or exceeds the requirements set by M.G.L. c. 90 § 34A-34R including, but not limited to, the vehicle liability policy, motor vehicle liability bond and personal injury protection minimums. All such documentation shall be subject to review by the Registrar, RMV inspectors, the Commissioner of Insurance and current or prospective customers.

23.05: Facility and Equipment Requirements.

(1.) Basic Driving School Requirements.

(a.) Each Basic Driving School shall at all times be operated by a Principal Administrator approved by the Registrar. A Principal Administrator must satisfy the requirements of M.G.L. c. 90 § 32 G and have held a driving instructor's certificate in good standing for at least two consecutive years (24 months).

(b.) Main Business Office. Each Basic Driving School shall maintain one permanent main business office readily accessible to the public and open for inspection during regular business hours. The office space shall comply with local and state building and sanitation requirements, all legal requirements regarding accessibility by persons with disabilities, and all relevant guidelines of the Registrar. Business records, including records of student attendance and instruction, personnel records of instructors, records of vehicles used in the program and maintenance records of such vehicles, and leases or licenses and certificates of occupancy, if applicable, for any of the facilities used, shall be maintained at the main business office. Each Basic Driving School shall comply with guidelines established by the Registrar for the form, content and retention period of required records. All records shall be made available for inspection by the Registrar or her designee. True copies of the following must be conspicuously displayed for the benefit of the public:

1. Basic Driving School certificate;
2. Basic Driving School Instructor certificates; and
3. The most recent inspection report completed by the Registrar.

(c.) Classroom Specifications. Classroom activity shall be conducted in a building suitable for such activity. A local occupancy certificate and other reasonable

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documentation indicating that the interior and exterior of the building meet local and state building and sanitation requirements shall be submitted with the application. The facilities shall also comply with all legal requirements regarding accessibility by disabled persons.

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(d.) Equipment Specifications. All classroom facilities of the Basic Driving School shall be equipped with suitable desks or tables, chairs and other items necessary by the Registrar to adequately conduct and support the educational activity.

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1. Audio, Video & Interactive Equipment. The school shall maintain audio, video or interactive equipment, acceptable to the Registrar, that is necessary to make appropriate use of the required curriculum and supplemental material.

2. Computer System. The school shall maintain an appropriately configured computer system (with printer and monitor) for administrative use in maintaining the student and administrative records required by the Registrar. The computer shall be equipped to send and receive electronic mail (e-mail) to facilitate electronic communication between the school and the Registrar for the purposes of program administration and exchange of student record information.

3. Upgrades and Replacements. The Registrar may require schools to upgrade or replace equipment when the equipment currently in use by a school is obsolete or no longer conducive to the proper conduct of a Basic Driver Education Program.

(d) Vehicles.

1. Condition of Vehicle. Each vehicle used for driving instruction shall have passed the most recent Massachusetts safety and emissions inspection, and any site visit inspection by the Registrar. A vehicle used for driving instruction shall be properly equipped, registered and insured as a commercial vehicle, and shall be maintained in proper operating condition. The Registrar may order a school to immediately cease using a vehicle if the Registrar determines the vehicle is unsafe or not otherwise in compliance with applicable laws, regulations or policies of the Registrar.

2. Air Bag Equipped. Effective January 1, 2008 all vehicles used for driving instruction shall at a minimum have an operational air bag system, as designed or improved by the vehicle's manufacturer, that provides protection for the driver in a frontal collision.

3. Safety Belts. Each vehicle used for driving instruction shall have a functional safety belt for each occupant.

4. Dual Brakes. Every vehicle used for driving instruction shall be equipped with dual brake controls as required by M.G.L. c.90, §7.

5. Signage. Each vehicle used for driving instruction shall display a sign or lettering acceptable to the Registrar, which shall at least identify the name of the school, the municipality where the school's main office is located and the school's main telephone number in lettering at least 1.5 inches in height and 0.5 inches in width which shall be visible from the front and rear of the vehicle or from the sides of the vehicle. In the alternative or in addition a school may, at its option, use a roof sign for this purpose. Additionally, the words "Student Driver" shall be displayed in lettering at least 1.5 inches in height and 0.5 inches in width which shall be visible from the front and rear of the vehicle.

6. Smoking Prohibited. No smoking shall be allowed in any vehicle used for driving instruction while it is being used for instructional purposes.

7. Cell Phone Use Prohibited. No person shall use a cellular telephone in a driving instruction vehicle while a student is operating the vehicle except to seek emergency assistance.

(3.)Advanced Driver Training Schools.

In addition to complying with any facility guidelines issued by the Registrar, each Advanced Driver Training School shall satisfy the following general requirements:

(a.) Office. Each program shall maintain a permanent office in Massachusetts where the business records, including records of student attendance and instruction, personnel records of instructors, records of vehicles used in the program and maintenance records of such vehicles, and leases or licenses and certificates of occupancy, if applicable, for any of the facilities used, are maintained. The office shall be open to the public and for inspection during normal business hours. True copies of the following must be conspicuously displayed for the benefit of the public:

1. Advanced Driver Training School certificate;
2. Advanced Driver Training Instructor certificates;
- and
3. The most recent inspection report completed by the Registrar.

(b.) Computer System.

1. The school shall maintain an appropriately configured computer system (with printer and monitor) for administrative use in maintaining the student and administrative records required by the Registrar. The computer shall be equipped to send and receive electronic mail (e-mail) to facilitate electronic communication between the school and the Registrar for the purposes of

program administration and exchange of student record information.

2. Each Advanced Driver Training Program shall maintain records available to the Registrar upon request, in an electronic format approved by the Registrar, with the following information for each student who completes the program:

1. full name;
2. full residential address;
3. date of birth; and
4. the driver license or learner's permit number for each student who completes the program of instruction.

(c.) On-site Training Room. A classroom facility must be available to provide the portion of instruction not conducted behind the wheel in a structure suitable for such purposes.

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(d.) Toilet Facility. An on-site toilet facility shall be provided for the use of students, parents and instructors and maintained in a sanitary manner for use during instruction programs.

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(e.) Off-Road Course. All in-vehicle instruction and training exercises shall be conducted on an off-road course approved by the Registrar. Such course shall be comprised of a suitable paved and level road surface devoid of potholes, bumps, permanent obstacles or other potential road hazards that could hinder safe instruction. Non-permanent obstructions placed by program staff specifically to facilitate instruction, such as traffic cones, are permitted. Access to such closed off-road course shall be controlled by the Principal Administrator of the Advanced Driver Training School and the Principal Administrator shall ensure that precautions are taken during each training session to ensure that the course remains safe from unauthorized intrusions by non-participants. Off-Road Courses are subject to inspection by the Registrar.

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1. Dimensions. Off-road courses shall be a minimum of 950-1200 feet in length, at least 125-150 feet in width, and provide a perimeter of at least 50 feet of unobstructed land in all directions. The Registrar may, upon application, waive a minimum dimension requirement if the ADT School demonstrates to the satisfaction of the Registrar that the required driving skills and techniques can be safely performed on the proposed course.

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2. Evidence of Right to Use Course. An advanced driver training program that does not own the off-road course where it conducts its training must provide documentary evidence that it rents, leases or has a license to use the property or otherwise has written permission from the property owner to use such property for such training.

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(f.) Vehicles.

1. Informed Consent. The Principal Administrator shall be responsible to ensure that each person that drives or rides in a vehicle as part of an Advanced Driver Training Program has given his or her informed consent for the training that will be conducted.

2. Condition of Vehicle. Each vehicle used for an Advanced Driver Training Program shall be less than three (3) model years old, shall be maintained in good mechanical condition and be free from body damage containing sharp edges. Each vehicle used for driving instruction shall have passed the most recent Massachusetts safety and emissions inspection, and any site visit inspection by the Registrar. If a vehicle is registered out of state it must meet Massachusetts safety standards.

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3. Vehicle Registration. Each vehicle used for an Advanced Driver Training Program shall be properly equipped, registered and insured as a commercial vehicle, and shall be maintained in the proper operating condition. Any vehicle that is registered in another state and operated on a public way in this state shall have insurance coverage that meets or exceeds the insurance required by M.G.L. c.90, §34A-34R.

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The Registrar may order a school to immediately cease using a vehicle if the Registrar determines the vehicle is unsafe or not otherwise in compliance with applicable laws, regulations or policies of the Registrar.

3. Vehicle Maintenance. All vehicles used for Advanced Driver Training Instruction shall be regularly maintained to ensure that all systems are in proper working order and continually meet the safety inspection standards set by Massachusetts law. Prior to the beginning of any day's instruction session, the program's Principal Administrator shall be responsible to ensure that the braking, suspension and steering systems on each vehicle are working

properly and that all tires on each vehicle are in an acceptable and safe condition for the instruction that will be provided during the session. Copies of records of regular vehicle maintenance shall be made available when requested by the Registrar.

4.Tires. The type of tires used on such vehicles shall be appropriate for the repeated severe braking and maneuvering required for such advanced driver training, shall be properly inflated, shall not contain bald spots, uneven wear, bulges, embedded foreign matter that can damage the tire, or wear bars that are even with the tread and shall have sufficient tread on all four tires to ensure safe operation.

5. Air Bag Equipped. All driving instruction vehicles shall be equipped with, driver and passenger side air bags as designed or improved by the vehicle's manufacturer.

6. Safety Belts. Each vehicle used for driving instruction shall have a functional safety belt which must be worn by each occupant.

7. Anti-lock Brake System (ABS). All driving instruction vehicles shall be equipped with ABS brakes.

8. Smoking Prohibited. No smoking shall be allowed in any instruction vehicle while it is being used for instructional purposes.

9. Cell Phone Use Prohibited. No person shall use a cellular telephone in a driving instruction vehicle while a student is operating the vehicle except to seek emergency assistance.

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23.06: Driver Education Program Requirements.

(1.) Basic Driving School.

The driver education program as established by the Registrar pursuant to the provisions of M.G.L. c. 90, § 32G and by these regulations, shall be used by each licensed driving school which offers driver education classes to persons who intend to obtain a Driver's Education Certificate issued by the Registrar. The Basic Driver Education Program is comprised of the Driver Education Curriculum, Driver Practicum Curriculum, the Parent Curriculum, and a final examination.

(a.) Basic Driver Education Program. Effective January 1, 2007, all driving schools, private and public, are required to follow the Driver Education Program provided by the Registrar. A current version of the Driver Education Program will be maintained on file for public viewing at the main office of the Registry of Motor Vehicles and on the Registry's website.

1. Driver Education Curriculum. The Driver Education Curriculum consists of fifteen modules taught within 30 hours of classroom instruction. All topics outlined in the curriculum must be covered within the designated module, however, the sequence of modules may be changed with the Registrar's prior written approval. A licensed driving school may provide additional training.

2. Driver Practicum Curriculum.

(a.) Training includes six hours of behind the wheel instruction and six hours of observation, for a total of twelve hours. All skills listed on the Driver Practicum Curriculum must be covered within the six hours of behind the wheel instruction.

(b.) No student shall exceed more than one hour of behind the wheel instruction and one hour of observation in a single day.

3. Parent Curriculum. A driving school must provide an in-class opportunity for parents of enrolled driver education students to learn about the Junior Operator's Law and the driving skills and behaviors that their children will be learning. The *Parent Curriculum*, included in the *Driver Education Program*, must be designed to help parents understand the law and prepare them for the parentally-supervised driving experience that parents are required to certify when their child applies for a road test. The driving school may schedule this as a separate class for parents-only or may include parents in a student class if that class will cover the material required for the *Parent Curriculum*.

4. Final Examination. Prior to the issuance of a Driver Education Certificate a student must take and pass a final examination to test the student's comprehension of the subjects covered in the Driver Education Program. Except as otherwise required by the Registrar it is the responsibility of the driving school to administer a final examination. The Registrar may establish standards to set a minimum passing grade for such examination and may refuse to issue a Certificate until satisfied that the student meets the minimum standards and has completed the behind-the-wheel portion of the Driver Practicum Curriculum. The Registrar may require the driving school to demonstrate its process for evaluating student performance and improving its instruction.

5. Notification of Course Completion. The Basic Driving School shall notify the Registrar of a student's successful completion of the Basic Driver Education Program.

(2.) Advanced Driving Schools.

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(a.) Student Eligibility Standards. Individuals who possess a valid driver's license or a valid learner's permit and have completed the ten hours of supervised behind the wheel driving may be enrolled in Advanced Driver Training Programs in the Commonwealth. A program licensed under this section may accept, at its discretion, a student driver who is a resident of a state that does not issue a learner's permit document if the program's Principal Administrator is satisfied that the student is legally qualified to operate as a student driver on the roadways of the state where he or she is a resident. Instruction in an Advanced Driver Training Program shall not be provided to a person under the age of 18, whether a licensed driver or a driver with a learner's permit, unless the person's parent or guardian has provided informed written consent to the program's Principal Administrator.

(b.) Issuance of Certificate of Completion. Advanced Driver Training Programs shall issue a certificate of completion to each student who successfully completes the program of in-vehicle instruction and the school shall make available such information in the form specified by the Registrar or by the Commissioner of Insurance of the Commonwealth or a person of like authority in another state in the event an insurance discount or other benefit is available to students who complete the program. An Advanced Driver Training School may refuse to issue such Certificate of Completion if the student was incapable of adequately performing or demonstrating the skills taught in the program.

§23.06. Grounds for Discipline.

- (1) Suspension or Revocation of Operating Privileges. Upon suspension or revocation of the license or right to operate a motor vehicle, the certification of the driving instructor shall also be placed in suspension, for a period concurrent with the suspension of the operator privileges, without further notice from the Registrar. Nothing shall preclude the Registrar from suspending or revoking an instructor's certificate if a driving record or other reports indicate that the holder is otherwise unfit to instruct driving students.
- (2) General Revocation or Suspensions. The Registrar may suspend or revoke a driving instructor's certificate or driving school certificate for any reason stated in either M.G.L. c. 90, §§32G or 32 G ½, or if the Registrar has reason to believe that the holder has violated 540 CMR 23.00 or the laws of the Commonwealth, including but not limited to, whenever the Registrar determines that the instructor or the school, or both, have failed to abide by the requirements of the Driver Education Program or have failed to abide by a policy or decision of the Registrar in regards to any of the program requirements or is otherwise unfit to instruct driving students. Except when an adverse decision of the Registrar regarding a certificate or driving school license is based upon a criminal conviction or the existence of a suspension or revocation of driving privileges, an applicant,

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(1) . Curriculum. All driving schools shall provide a course of instruction that meets or exceeds the minimum program standards established by the Registrar for the applicable license classification. At the time of application and renewal, an applicant for a driving school license shall submit a written outline of the classroom and on-thintended for use in the case of an initial application, which must demonstrate satisfaction of such minimum standards.¶

(2) . Main Business Office. Each driving school shall maintain one permanent main business office readily accessible to the public during business hours. The office space shall comply with local and state building and sanitation requirements, all legal requirements regarding accessibility by persons with disabilities, and all relevant guidelines of the Registrar.¶

(3) . Records. All driving schools shall comply with guidelines established by the Registrar for the form, content and retention period of written business, class and instructional records. Such records shall be kept at the main business office of the driving school. All records shall be made available for inspection by the Registrar or designated employees or agents of the Registrar.¶

(4) . Material Change. Certified driving instructors and licensed driving schools shall notify the Registrar of any material change in any information provided in the application for certification or license, including the intended disposal or discontinuance of operations, a change in the identity or address of any business partner, corporate officer or director, or other business principal, and any change in the business location of any classroom or main business office.¶ ... [2]

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certificate holder, or licensee shall be given an opportunity for a hearing prior to a final decision by the Registrar. A person entitled to the opportunity for a hearing shall be notified at least ten days prior to the date of hearing. 540 CMR 9.00 shall govern the notice, hearing and procedural requirements of such hearing.

A driving school whose students consistently fail to meet established standards may be placed on probation and the Registrar may refuse to renew its license until satisfied that the reasons for the failure to meet the standards have been identified and corrected. Failure to cooperate with an investigation or inspection by the Registrar may result in license suspension.

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23.08: Performance Bond Required.

A Basic Driving School and an Advanced Driver Training School shall provide a performance bond, acceptable to the Registrar in a form to be determined by her, in the amount of \$50,000 which shall be held to provide reimbursement to students and/or parents in the event that the program ceases to function and fails to provided or complete the contracted for instruction.

27.09: Procedure on Appeal.

- (1) Any person who is aggrieved by any ruling or decision of the Registrar, including the denial of an application for a driver training instructor certificate or driving school certificate, or the revocation or suspension of a driver training instructor certificate or driving school certificate, may appeal the ruling or decision to the Board of Appeal on Motor Vehicle Liability, Policies and Bonds, pursuant to M.G.L. c. 90, §28, within ten days of the ruling or decision.
- (2) Any person who is aggrieved by any ruling or decision of the Board of Appeal on Motor Vehicle Liability, Policies and Bonds may seek further review to the Superior Court under the provisions of M.G.L. c. 30A, §14.

27.10: Liability.

Nothing contained in M.G.L. c. 90, §§ 32 G, 32G ½ or 540 CMR 23.00 shall be deemed to impose any liability whatsoever upon the Registrar in her personal capacity, the Registry of Motor Vehicles or upon the Commonwealth, for any injury or damages which may result from, or be connected with, participation by any individual in either a Basic Driving School or in an Advanced Driver Training School.

REGULATORY AUTHORITY

540 CMR 23.00: M.G.L. c. 90, §§31, 32G and 32 G ½.

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(c) Instructor Training Program. Applicants shall submit documentation of successful completion of a driving instructor training program for the intended type of instruction, which conforms to guidelines established by the Registrar for such programs.

(d) Department of Education Requirements. Applicants shall comply with any applicable Department of Education requirements prior to engaging in the instructional activity.

§23.04. Operating requirements.

- (1) Curriculum. All driving schools shall provide a course of instruction that meets or exceeds the minimum program standards established by the Registrar for the applicable license classification. At the time of application and renewal, an applicant for a driving school license shall submit a written outline of the classroom and on-thintended for use in the case of an initial application, which must demonstrate satisfaction of such minimum standards.
- (2) Main Business Office. Each driving school shall maintain one permanent main business office readily accessible to the public during business hours. The office space shall comply with local and state building and sanitation requirements, all legal requirements regarding accessibility by persons with disabilities, and all relevant guidelines of the Registrar.
- (3) Records. All driving schools shall comply with guidelines established by the Registrar for the form, content and retention period of written business, class and instructional records. Such records shall be kept at the main business office of the driving school. All records shall be made available for inspection by the Registrar or designated employees or agents of the Registrar.
- (4) Material Change. Certified driving instructors and licensed driving schools shall notify the Registrar of any material change in any information provided in the application for certification or license, including the intended disposal or discontinuance of operations, a change in the identity or address of any business partner, corporate officer or director, or other business principal, and any change in the business location of any classroom or main business office.

§23.05. Entry upon premises.

Any applicant for or holder of a license to conduct a driving school shall permit the Registrar or agents or employees of the Registrar to enter the driving school premises, including the main business office, during regular business hours to determine compliance with M.G.L. c. 90, §32G and 540 CMR 23.00.